

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FLOYD MCGARRELL,

Plaintiff,

-against-

THE CITY OF NEW YORK, CAPTAIN  
TAMEKA BARTON, #1685, CAPTAIN CHRIS  
LOPEZ, #462, C.O. ELVIS KING, 18813,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 2/26/2020

18 Civ. 1301 (AT) (GWG)

**ORDER**

ANALISA TORRES, United States District Judge:

On May 21, 2019, the Honorable Gabriel W. Gorenstein entered a scheduling order requiring all discovery in this action to be completed by November 21, 2019, and any motion for summary judgment to be filed by December 23, 2019. ECF No. 49. On November 20, 2019, Defendants filed a motion to compel discovery by Plaintiff, and requested an extension of discovery. ECF No. 53. That same day, Judge Gorenstein entered an order extending the fact discovery deadline *sine die* pending resolution of the parties' discovery disputes. ECF No. 54. On January 8, 2020, Defendants City of New York, Chris Lopez, and Elvis King submitted a letter addressed to Judge Gorenstein requesting a pre-motion conference in advance of a motion to dismiss for failure to prosecute. ECF No. 55. By memo endorsement dated January 9, 2020, Judge Gorenstein informed the parties that such a motion is properly returnable before this Court, and urged the City, Lopez, and King to coordinate with Tameka Barton in filing any such motion. ECF No. 56.

Nearly two months have passed since Defendants' letter, without any additional filings. It is ORDERED that by **March 9, 2020**, Defendants shall file a joint letter informing the Court as to the status of this action.

The Clerk of Court is directed to mail a copy of this order to Plaintiff *pro se*.

Dated: February 26, 2020  
New York, New York



ANALISA TORRES  
United States District Judge